



City of Loma Linda Official Report

Karen Gaio Hansberger, Mayor
Floyd Petersen, Mayor pro tempore
Robert Christman, Councilmember
Stan Brauer, Councilmember
Robert Ziprick, Councilmember

COUNCIL AGENDA: May 11, 2004

TO: City Council

VIA: Dennis R. Halloway, City Manager

FROM: T. Jarb Thaipejr, Public Works Director/City Engineer

SUBJECT: Council Bill #R-2004-13 - Initiating Annexation to Landscape Maintenance District No. 1 and Council Bill #R-2004-14 scheduling a Public Hearing for Annexation to Landscape Maintenance District No. 1 (South Side of Mission Road, East of the Southern California Edison Easement, Tract 16341, Ryland Homes)

RECOMMENDATION

It is recommended that City Council approve the following:

1. Adopt Council Bill No. R-2004-13 initiating Annexation 63 into the Landscape Maintenance District.
2. Adopt Council Bill No. R-2004-14 scheduling a Public Hearing for Annexation to the Landscape Maintenance District.

BACKGROUND

The City Council approved the Tentative Tract Map subject to Conditions of Approval. Annexation to the landscape maintenance District is one of the Conditions of Approval. The City received the petition from the property owner to annex to the Landscape Maintenance District.

ANALYSIS

The petition and ballot have been prepared for the property owner's approval of Annexation No. 63 into the Landscape Maintenance District. Further, an Engineer's Report has been prepared for Annexation No. 63. The Engineer's Report is attached.

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOMA LINDA, COUNTY OF SAN BERNARDINO, CALIFORNIA, INITIATING PROCEEDINGS FOR THE ANNEXATION OF TERRITORY TO THE LOMA LINDA LANDSCAPE MAINTENANCE DISTRICT NO. 1, AS ANNEXATION NO. 63, TRACT NO. 16341, DETERMINING THAT THESE PROCEEDINGS SHALL BE TAKEN PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972 AND THE RIGHT TO VOTE ON TAXES ACT, PRELIMINARILY APPROVING THE ENGINEER'S REPORT, AND DECLARING THE CITY'S INTENTION TO ORDER THE ANNEXATION, AND OFFERING A TIME AND PLACE FOR HEARING OBJECTIONS THERETO

WHEREAS, the City Council of the City of Loma Linda, pursuant to the provisions of the Landscaping and Lighting Act of 1972, being Division 15 of the Streets and Highways Code of the State of California (the "Act"), and as provided by Article XIII D of the California Constitution, desires to initiate proceedings for the annexation of certain property, Tract No. 16341, (the "Annexation"), to the Loma Linda Landscape Maintenance District No. 1 (the "District") and for the levy and collection of annual assessment within the proposed Annexation for the fiscal year 2004/2005, for the purposes provided therefore in the Act; and

WHEREAS, the public interest and convenience require the extension of the construction and maintenance of improvements by the District to the proposed Annexation; and

WHEREAS, The general location and boundaries of the Annexation are shown on maps on file in the office of the City Clerk, are incorporated herein by reference, and open to public inspection; and

WHEREAS, the improvements to be installed, constructed or maintained within the proposed Annexation may include installation, construction or maintenance of any authorized improvements under the Act, including, but not limited to landscape and irrigation improvements and any facilities which are appurtenant to any of the aforementioned or which are necessary or convenient for the maintenance or servicing thereof; and

WHEREAS, Section 22608 of the Act limits the requirement for the resolutions, Engineer's Report, notices of hearing, and right of majority protest under the Act to the territory included within the annexation and waives these requirements with the written consent of all of the owners of property within the territory to be annexed; and

WHEREAS, Proposition 218, the Right to Vote On Taxes Act does hereby require that a notice of the proposed assessment along with a ballot shall be mailed to all owners of identified parcels within the Annexed Area, and that the agency shall conduct a public hearing not less than 45 days after the mailing of said notice;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Loma Linda as follows:

1. That the above recitals are true and correct.
2. That the City hereby proposes to annex to the Loma Linda Landscape Maintenance District No. 1, Tract 16341, as Annexation No. 63, generally located on Mission Road East of the intersection with Van Leuven Street also known as Assessor Parcel Number;

Portions of 0292-112-10, 0292-121-06, 08, 36, 41, and 42, and 0292-131-53, Legal description; portions of lots 5, 6, 7, and 8 of block 57 of Rancho San Bernardino as per plat recorded in Book 7 of Maps, Page 2, and to levy annual assessments thereon to provide for the following work:

Installation, construction or maintenance of any authorized improvements under the Act, including, but not limited to landscape and irrigation improvements and any facilities which are appurtenant to any of the aforementioned or which are necessary or convenient for the maintenance or servicing thereof.

The distinctive designation for the proposed Annexation shall be Annexation No. 63 of the Loma Linda Landscape Maintenance District No. 1 when referred to separately and upon annexation will be included in the designation of the Loma Linda Landscape Maintenance District No. 1.

3. The City Council hereby designates MuniFinancial as the Engineer for the purposes of these proceedings and orders the Engineer to prepare and file with the City Clerk a written report in accordance with Article XIID, Section 4 of the California Constitution and Article 4 (commencing with Section 22565) of Chapter 1 of the Act for that portion of the fiscal year 2004/2005 commencing January 1, 2004 and ending June 30, 2005. Such Report shall refer to the Annexation by its distinctive designation.
4. The Engineer has prepared and filed with the City Clerk of the City of Loma Linda and the City Clerk has presented to the City Council such report entitled "Engineer's Report, City Of Loma Linda Landscape Maintenance Assessment District No. 1 Annexation No. 63" (the "Report") which pertains to the proposed Annexation.
5. That the Property Owner has provided the City Council of the City of Loma Linda a petition fully signed and notarized, granting the City the right to maintain and service the landscape improvements and gives consent to the establishment of an assessment for the proposed annexation of the property into the District in an amount reasonably determined by the City to cover all costs and expenses incurred for the continued maintenance, operation and servicing of the landscape improvements.
6. That the Property Owner, as provided in the petition, hereby waives all statutory notice periods per the Act.
7. The City Council hereby (1) finds that the public interest and convenience requires and (2) declares its intention to order the approval for the Annexation and to levy and collect assessments against the assessable lots and parcels of land within such Annexation for that portion of the fiscal year commencing July 1, 2004 and ending June 30, 2005 to pay the costs and expenses of the improvements described in Section 2. If the assessments proposed by this resolution are approved by the property owners pursuant to a mailed ballot election conducted in accordance with Article XIII D of the California Constitution, the City Council in subsequent fiscal years may thereafter impose the assessment at any rate or amount that is less than or equal to the amount authorized for fiscal year 2004/2005, increased each year based upon the Consumer Price Index, All Urban Consumers, for the Los Angeles, Orange, Riverside, County Area ("CPI"), as

determined by the United States Department of Labor, or its successor without conducting another mailed ballot election. The Engineer shall compute the percentage of difference between the CPI for February of each year and the CPI for the previous February, and shall then adjust the existing assessment by an amount not to exceed such percentage for the following fiscal year. Should the Bureau of Labor Statistics revise such index or discontinue the preparation of such index, the Engineer shall use the revised index or a comparable system as approved by the City Council for determining fluctuations in the cost of living

8. That notice is hereby given that on 8th day of June 2004 at the hour of 7 p.m., or as soon thereafter as possible, in the City Council Chamber at 25541 Barton Road, in the City of Loma Linda, the City will hold a public hearing to receive and tabulate all ballots with reference to the Annexed Area pursuant to the Right to Vote On Taxes Act.
9. The City Clerk shall certify to the adoption of this Resolution

APPROVED, PASSED AND ADOPTED this 11th. day of May 2004 by the following vote:

Ayes:

Noes:

Abstain:

Absent:

Karen Gaio Hansberger, Mayor

ATTEST:

Pamela Byrnes-O'Camb, City Clerk